

on her, and that she had a stroke of paralysis on or about November 8th.

On November 14th, Esther Dunkley being ill was taken to the hospital, and for several weeks following November 13th, she did not see her mother.

Elizabeth Liddy says she was in deceased's room for a few minutes on November 15th, that the deceased was then sitting up but did not know her or her daughter-in-law, the wife of the plaintiff, that on the following day, when she called, the deceased had difficulty in recognizing her and mistook her for the doctor. This witness on that day had come to borrow from the deceased \$5 for the daughter, Esther Dunkley, and she admits that deceased was capable of understanding the nature of her message, and, of her own accord and without assistance, took from a pocket-book, which she had under the mattress of her bed, the exact amount of money asked for, and gave it to her. Her evidence on this point does not bear out her general statements about the mental condition of the testatrix.

The plaintiff and his wife and his son and Charles Kenny all deny that on the day the will was made deceased displayed the mental weakness which was claimed by Esther Dunkley and Mrs. Liddy. Then there is the evidence of the doctor and others, who were present when the will was made, some of whom can be said to be disinterested witnesses.

Dr. Holmes, a practitioner of over forty years' standing, who was deceased's medical adviser, visited her daily for several days beginning on November 9th, and saw her just before the making of the will, when he says she was in her "normal mental condition," and capable of doing business. Referring to the statements made to the effect that deceased suffered from paralysis, he adds that she never was paralyzed, and that he never believed her brain was affected.

Henry Dagneau, a friend of deceased, for whom she sent some days previously to consult about making her will, and who was present at the time the will was made, and Mr. Clarke, the solicitor called in by Dagneau, say positively that she was in a fit and proper condition to make the will. It is shewn, too, by the evidence of Dagneau and Clarke and others that, without suggestion from any one, she gave the instructions from which the will was drawn.

On the whole evidence, therefore, I am clearly of opinion that the deceased at the time of making her will was in a